

Amendment No. 1 to SB2392

Lundberg
Signature of Sponsor

AMEND Senate Bill No. 2392

House Bill No. 2249*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-7-2802(a), is amended by deleting the subsection and substituting:

(a) An intercollegiate athlete may earn compensation for the use of the intercollegiate athlete's own name, image, or likeness. Such compensation must be commensurate with the fair market value of the authorized use of the intercollegiate athlete's name, image, or likeness. To preserve the integrity, quality, character, and amateur nature of intercollegiate athletics and to maintain a clear separation between amateur intercollegiate athletics and professional sports, such compensation must not be provided in exchange for athletic performance or attendance at an institution.

SECTION 2. Tennessee Code Annotated, Section 49-7-2802(b), is amended by deleting the subsection and substituting:

(b)

(1) An institution or an officer, director, or employee of the institution shall not compensate a current or prospective intercollegiate athlete for the intercollegiate athlete's name, image, or likeness.

(2) Neither a grant-in-aid for athletics awarded to an intercollegiate athlete by an institution, including the cost of attendance, nor an institution's involvement in support of name, image, or likeness activities under this part constitutes compensation to or representation of an intercollegiate athlete by the institution for purposes of this part so long as the institution does not coerce,

compel, or interfere with an intercollegiate athlete's decision to earn compensation from or obtain representation in connection with a specific name, image, or likeness opportunity.

SECTION 3. Tennessee Code Annotated, Section 49-7-2802(c), is amended by deleting the subsection.

SECTION 4. Tennessee Code Annotated, Section 49-7-2802(d), is amended by adding the following new language at the end of the subsection:

The report must also include the names of all persons who provide administrative and branding services on behalf of the student athlete as described in subdivision (h)(3).

SECTION 5. Tennessee Code Annotated, Section 49-7-2802(h), is amended by designating the existing language as subdivision (h)(1) and adding the following as new subdivisions:

(2) Parents, siblings, grandparents, spouses, and legal guardians of an intercollegiate athlete who represent the intercollegiate athlete for the purpose of securing compensation for the use of the intercollegiate athlete's name, image, or likeness are not considered to be athlete agents for purposes of this part, and are not subject to the requirements for athlete agents as prescribed by this part.

(3)

(A) Persons who provide administrative and branding services are not required to register as athlete agents for purposes of this part. As used in this subdivision (h)(3), "administrative and branding services" include, but are not limited to, scheduling, filing, recordkeeping, and social media content curation in support of an intercollegiate athlete's name, image, or likeness activity; provided, that persons who provide administrative and branding services do not:

(i) Otherwise represent intercollegiate athletes for the purpose of securing compensation; or

(ii) Enter into business arrangements with or act on behalf of athlete agents or attorneys.

(B) Intercollegiate athletes shall include the names of all persons who provide administrative and branding services on behalf of the student athlete as part of the annual report filed under subsection (d).

SECTION 6. Tennessee Code Annotated, Title 49, Chapter 7, Part 28, is amended by adding the following as a new section:

An athletic association's governing actions, sanctions, bylaws, and rules must not interfere with an intercollegiate athlete's ability to earn compensation in accordance with this part and must not otherwise impact an intercollegiate athlete's eligibility or full participation in intercollegiate athletic events, unless the intercollegiate athlete has committed a violation of the rules of an institution or an athletic association or this act is invalidated or rendered unenforceable by operation of law.

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.